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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1802403

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Bahrain: 995 Violations of Human Rights in January 2018*

With the beginning of 2018, the human rights situation in Bahrain continued to deteriorate. 995 serious human rights violations were observed between January 1 and January 31, 2018, including arbitrary arrests, house raids, unfair trials, suppression of peaceful protests, restrictions on freedom of movement, prohibition of Friday prayers, media materials that incite hate speech, enforced disappearance, torture and ill-treatment.

Arbitrary arrests, raids and restrictions on freedom of movement

121 cases of arbitrary arrest were recorded, climaxingon January 23, 2018 and amounting to 44 unlawful arrests and 138 raids on houses and residential establishments that were carried out without arrest warrants, and in a manner that spreads terror among citizens. In addition, the freedom of movement was violated through the continuation of the security siege on Duraz for 589 days and the imposition of house arrest on the highest religious authority for the Shiite Muslims in Bahrain, Ayatollah Sheikh Isa Qassim, for 252 days without a judicial order or administrative decision.

On January 31, 2018, Ayatollah Sheikh Isa Qassim was transferred to the hospital after a 13-day deliberate delay by the authorities, as he was scheduled for surgery on January 18, 2018, therefore his rights to treatment and to freedom of movement were violated.

Meanwhile, the security authorities continued to violate freedom of religion and belief by banning Friday prayers at Duraz for 4 times in January, bringing the number to 81 preventions since 2016. In addition, 200 Bahraini citizens have been accused or arrested in the Public Prosecution and presented to the Bahraini judiciary for reasons relating to freedom of expression and peaceful assembly.

Hate speech: 342 media materials

342 media materials and messages that incite or help to incite hatred against human rights defenders, political activists and Bahraini citizens were observedin January. Those materials are divided into 89 media articles published in the official press and 253 materials published on social media by users that includeofficial and media figures, such as Assistant Undersecretary for Information and Follow-up at the Prime Minister's Court, Ibrahim Al-Dosari, Ministry of Information Affairs' adviser, Sawsan Al-Shaer, former MP Mohammed Khaled, and journalists Faisal Al-Sheikh, Farid Hassan, Mona Mutawa and Saeed Al-Hamad.

The media materials inciting hatred published in local press are as follows: 18 articles in the Bahraini Al-Ayam newspaper, 25 articles in Akhbar Al-Khaleej newspaper, 13 articles in the Bahraini Al-Bilad newspaper, and 33 articles in the Bahraini Al-Watan newspaper.

Torture, ill-treatment, enforced disappearance and destruction of property

18 cases of torture and ill-treatment, which climaxedonJanuary 14, 2018, were observed. In addition, 2 cases of destruction of property were observed on January 24 and January 27, 2018. Also, 17 cases of enforced disappearance of Bahraini citizens were observed, including Ali Hussein Jassem who disappeared for 45 days, Salman Ismail who disappeared for 40 days, HussainHumaidMadan who disappeared for 28 days, Mustafa Bahr who disappeared for 27 days, Abbas Rahmawho disappeared for 20 days and Mansour Al-Dulabi who disappeared for 20 days.The cases of enforced disappearances were regionally distributed as follows: 10 cases from Duraz, 3 cases from Nuwaidrat, and 1 case from each of Manama, Abu Saiba, Bilad Al-Qadeem, and Barbar.

Unfair trials

In addition, 77 Bahraini citizens were handed arbitrary sentences, which climaxed on the 24th and 29th of January, 2018, amounting to 24 cases. The total arbitrary sentences amounted to the following: 679 years of imprisonment, 3 years of imprisonment suspended for one year term, total finesofUS $268,000, 39 sentences of revoking nationalities, and 10 sentences of deporting citizens whose nationalities were revoked, four of them were deported beforeJanuary 1, 2018.In addition, the death sentence against Maher Al-Khabazwas upheld, even thoughfour UN experts issued a report saying that he was subjected to torture and ill-treatment.

The trial hearings, which violate the freedom of political action of Bahraini opposition leader Sheikh Ali Salman, as well as two former MPs of the Al-Wefaqparliamentary bloc, Sheikh Hassan Sultan and Ali Al-Aswad, continued.The fourth hearing was held on January 4, 2018 and the fifth hearing on January 25, 2018. In the fifth hearing, Sheikh Ali Salman emphasizedthat the audio recordings which were used as indictments for the charge of spying for Qatar are cut in a way that distorted their contents.

On January 16, 2018, Bahrain's Court of Cassation upheld a two-year prison sentence against Nabeel Rajab, head of the Bahrain Center for Human Rights and Deputy Secretary-General of the International Federation for Human Rights. A statement by the Bahrain Center for Human Rights said, "We are very worried about Nabeel's safety and well-being,"adding, "Authorities should release him immediately, drop the charges against him, and investigate thoroughly his possible ill-treatment in detention."

Appeals hearings at the military judiciary for 17 civilians and one soldiercontinued to be held, in which civilian victims were tortured and ill-treated. Three appeals hearings were held on January 10, 14 and 31, 2018, and the case was reserved untilFebruary 21, 2018 without investigating the torture complaints which include 11 violations: torture by electric shock, enforced disappearance, sleep and bathingdeprivation,severe beatings and solitary confinement. On December 25, 2017, the military court sentenced five civilians and one soldier to death in this case, including human rights activist and head of Liberties and Human Rights Department at Al-Wefaq Society, Mohammed Al-Motaghawi,and the personal escort of Sheikh Isa Qassim, communications engineer Sayed Alawi Hussein.

Recommendations:

Urge the Government of Bahrain to repeal the constitutional amendment and to restore Article 105 of the Bahraini Constitution to its previous state to ensure that civilians are not tried in military courts.

Urge the Government of Bahrain to repeal Law No. 12 of 2017 amending the Military Judiciary Law, which allowed for the prosecution of civilians in military courts.

The Government of Bahrain shall adopt the Basic Principles on the Independence of the Judiciary adopted by the United Nations in 1985.

It is also necessary that: The United Nations Secretary-General, the High Commissioner and Member States of the Human Rights Council urge the Government of Bahrain to adopt and implement the basic principles on the independence of the judges, to ensure that the Government of Bahrain refrains from trying civilians in military courts and amends the law.

The Special Rapporteur on the Independence of Judges and Lawyers submits a request to visit Bahrain and the Bahraini authorities are pressured to accept the request for a visit.

The mechanisms for the appointment of the Supreme Judicial Council are amended in order to allow the public to exercise its authority to supervise the work of the judiciary.

The Member States of the Human Rights Council urge Bahrain again to abolish the death penalty, and repeat the same recommendations of the 2017 UPR. The countries are the following: France, Portugal, Angola, Sweden, Norway, Germany, Montenegro, Spain, Bulgaria, Australia, Austria, Luxembourg, Lithuania, Italy, Argentina, Chile, and Belgium.

The Bahraini authorities must immediately and seriously implement the Bahrain Independent Commission of Inquiry (BICI) recommendations, and those of the UPR. They should also remove the ban imposed on the right to peaceful assembly, and stop adopting local laws in order to restrict the right to freedom of expression.

The Bahraini authorities must stop practicing forced disappearance, halt extra-judicial killings, guarantee fair trials for citizens, and allow observers to attend those trials.

We emphasize Bahrain's need for international monitoring over the performance of the agencies created by the Bahraini authorities after the BICI report to reveal the truths.

Appoint a UN special rapporteur on Bahrain, and pressure the Bahraini authorities to allow UN special rapporteurs to visit Bahrain and supervise the internal situation, especially the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Special Rapporteur on the rights to freedom of peaceful assembly and

of association, Special Rapporteur on the situation of human rights defenders, and Special Rapporteur on freedom of religion or belief.

Establish a regional office for the Office of the High Commissioner for Human Rights with full powers.

Urge Bahrain to join the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture, and release all prisoners of conscience including human rights defenders, political activists and religious scholars.

Call on the Bahraini authorities to cancel all citizenship revocation verdicts and bring back the deportees.

Adapt local legislations with international laws in order to ensure the independence of religious affairs and protection of freedom of belief.

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*Bahrain Forum for Human Rights (BFHR) NGO without consultative status, also shares the views expressed in this statement.

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General Assembly

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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Situation of Baha'is in Yemen

Baha'is in Yemen are facing unfair treatment based on their religious beliefs in different fields including construction, medicine, tribal reconciliation, education, humanitarian and disaster relief. In the last few years, representatives of the Yemeni Baha'i community have met with hundreds of government officials, tribal elders, university professor, journalists, human rights activists and diplomats, to further strengthen their ties with Yemeni society and explain their non-political concerns for the welfare of each and all.

In April 2017, the authorities called for the arrest of over 25 Bahá'ís under similar accusations such as showing kindness and displaying rectitude of conduct in order to attract people to their Faith. Many individuals on the arrest list are prominent members of the Bahá'í community including Mr. Walid Ayyash who serves the Bahá'í community as a Counsellor as well as individuals assisting with the organization of community affairs at the national level. Mr. Ayyash was abducted this same month.

Continuing violence against Baha'is

The Baha'i community has also faced challenges, which are sharply accelerating. In 2008, the authorities at that time, detained six Baha'is in connection with their faith and eventually deported two of them. In 2013, Mr. Hamed Kamal bin Haydara was imprisoned by the authorities in Sana'a, Yemen, and was accused of various unfounded charges including acting as a spy for Israel. Over the course of his imprisonment he has experienced various forms of torture including being beaten and electrocuted. He has also been repeatedly denied necessary medical treatment for his gallbladder and heart. Dozens of court hearings have been delayed until, most recently in early August 2017, it was learned that his hearing was postponed indefinitely. In August 2016, authorities in Sana'a arrested over 60 men, women and children at an educational conference organized by the Nida Foundation for Development and the Bahá'í community of Yemen, raided the homes of Baha'is and seized their phones and documents, including passports and pressured relatives and friends to pay for the prisoners' release. In April 2017, the authorities arrested over 25 Baha'is under similar accusations such as sowing kindness and displaying rectitude of conduct to attract people to their faith. As of September 2017, at least seven Bahá'ís in Sana'a were imprisoned, including a notable Yemeni tribal leader, Mr. Walid Ayyash. Other than Mr. Haydara (age 52) and Mr. Kaiwan Ghaderi, the whereabouts for the remaining imprisoned Bahá'ís were unknown to their families. Many more Bahá'ís continue to move from place to place in order to avoid their arrest. In September 2017, the UN High Commissioner for Human Rights reported on violations and abuses of human rights in Yemen and confirmed the arrests of Bahá'ís in August 2016 and in mid-2017 (see points 72, 73 and 111 in the report).

On 22 October 2017, the brother of Mr. Walid Ayyash, Mr. Akkram Ayyash, was arrested after Yemeni security forces raided a Bahá'í gathering in Sana'a to commemorate the bicentenary of the birth of Bahá'u'lláh. The attackers were reportedly in four cars and an armored vehicle, which they used to break down the front door of the family home of Mr. Walid Ayyash.

Since December 2013, 52-year-old Hamed Kamal Muhammad bin Haydara, has been detained in Sana'a. He is at risk of being executed: on 2 January 2018 the judge (Abdo Ismail Hassan Rajeh) issued a verdict to confiscate all of Mr. Haydara's assets and to sentence him to be publicly executed due to his association with the Baha'i World Centre in Haifa, Israel. The verdict also included the decision to dissolve Bahá'í Assemblies in Yemen. The lawyer immediately appealed the verdict during the same hearing. Mr Haydara is suffering from a range of health issues for which he needs medical attention.

Hamed Haydara, was born in Socotra in 1964, officially obtained his Yemeni nationality in 1985 from his Iranian father who had arrived in Socotra in 1954 and was naturalized by the Sultan of Al-Mahra.
In the late 1990s, the authorities in Socotra gave Hamid Haydara blank ID cards for him and family members and it was left up to the individuals to complete these by hand.

According to court documents, he has been charged with offences including spying for Israel, spreading the Bahá'í in the Republic of Yemen and encouraging Baha'is to buy lands and start up enterprises with the intentions of recruiting many Baha'is to settle within the territory of the Republic of Yemen.

Currently, it is the main and well-founded concern that these charges against him have only been made because of his conscientiously held beliefs and his peaceful activities as a member of the Baha'i community.
The Human Rights Committee sees the mandatory imposition of death sentences as a violation of the right to life. In addition, the Special Rapporteur on extrajudicial executions has stated that "in death penalty cases, individualized sentencing by the judiciary is required to prevent cruel, inhuman or degrading punishment and the arbitrary deprivation of life" and that the mandatory death penalty which precludes the possibility of a lesser sentence being imposed regardless of the circumstances, is inconsistent with the prohibition of cruel, inhuman or degrading treatment or punishment.

Also, Akram Ayyash, was arrested on 22 October 2017 in Sana'a. His brother Walid Ayyash, a well-known tribal leader, also a Baha'I, was sent in April 2017 to an unknown place.

Under international law and standards, everyone arrested or detained and everyone facing a criminal charge has the right to the assistance of legal counsel, to enable them to protect their rights and begin to prepare their defense and to enable them to challenge their detention. This right also serves as an important safeguard against torture and other ill-treatment. As of 2 January 2017, at least seven Bahá'is are imprisoned in Sana'a. The following identifies their names and original arrest dates:

1. Mr. Hamed bin Haydara, 3 December 2013
2. Mr. Kaiwan Ghaderi 10 August 2016
3. Mr. Walid Ayyash, 20 April 2017
4. Mr. Mahmud Hameed, 20 April 2017
5. Mr. Wael Al-Arieghie 23 May 2017
6. Mr. Badiullah Sana'i, for a second time on 25 May 2017
7. Mr. Akkram Ayyash, 22 October 2017

Society for Threatened Peoples calls on the UN Human Rights Council to:

- Call for the immediate release of Baha'i men at risk of death sentence in Yemen
- Call for implementing the convention on the elimination of discrimination against Baha'i in Yemen
- Call for a political process that is inclusive, peaceful and democratic
- Call for an end of the recruitment and use of children and release those who have already been recruited
- Call for an investigation into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity
- Monitor and report the situation of human rights in Yemen, and the development and implementation of the present resolution